

**REMARKS**

The Applicants sincerely appreciate the thorough examination of the present application as evidenced by the Office Action of March 19, 2009 (the Office Action). In particular, the Applicants appreciate the withdrawal of all previous rejections: from the Office Action of September 11, 2007 (citing U.S.Pub.No. 2002/0003803 to Kametani, U.S.Pub.No. 2004/0004968 to Nassar, U.S.Pub.No. 2003/0237002 to Oishi, U.S.Pub.No. 2003/0056002 to Trethewey, U.S.Pat.No. 6,981,029 to Menditto, and U.S. Pat.No. 6,795,443 to Jeong); from the Office Action of March 20, 2008 (citing Kametani, Jeong, Menditto, and Nassar); and from the Office Action of September 22, 2008 (citing U.S.Pub.No. 2002/0105965 to Dravida, Kametani, Jeong, Menditto, and Nassar). The Applicants appreciate this opportunity to overcome the additional rejections presented in the Office Action of March 19, 2009 (citing Dravida, U.S.Pat.No. 5,708,963 to Mobley, U.S.Pat.No. 6,574,195 to Roberts, Kametani, Jeong, Menditto, U.S.Pub.No. 2002/0136224 to Motley, Nassar, and U.S.Pub.No. 2004/0085969 to Chen), thereby further strengthening all patents issuing from the present application.

In the following remarks, the Applicants will show that all claims are patentable over the cited art. Accordingly, a Notice of Allowance is respectfully requested in due course.

**Claims 1, 23, and 45 Are Patentable**

Claim 1, 23, and 45 have been rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over U.S. Publication No. 2002/0105965 to Dravida et al. (Dravida) in view of U.S. Patent No. 5,708,963 to Mobley et al. (Mobley) and further in view of U.S. Patent No. 6,574,195 to Roberts (Roberts). The Applicants respectfully submit, however, that Claims 1, 23, and 45 are patentable for at least the reasons discussed below.

Claim 1, for example, recites a method of operating a data network between a routing gateway for a subscriber and a data service provider providing a data service wherein the routing gateway is at a customer premises remote from the data network and wherein the data service provider is remote from the data network. More particularly, the method of Claim 1 includes:

receiving at the data network from the data service provider an identification

of the routing gateway, an identification of the data service provider, and data flow characteristics of the data service for a session of the routing gateway using the data service provided by the data service provider wherein the data service provider is remote from the data network;

responsive to receiving at the data network the identification of the routing gateway, the identification of the data service provider, and the data flow characteristics for the data service, saving the data flow characteristics of the data service for the routing gateway at the data network; and

forwarding the data flow characteristics of the data service from the data network to the routing gateway at the customer premises remote from the data network.

Dravida discusses an Access Network allowing data connections to be carried over coax cable distribution facilities (*see*, Dravida, paragraph [0088], page 4), and as set forth on pages 12-15 of the Applicants' Amendment filed December 12, 2008, Dravida fails to disclose numerous elements of Claim 1. The Applicants respectfully submit that the Office Action has improperly combined elements of Dravida's coax cable distribution facilities with elements of Mobley's satellite direct-to-home (DTH) subscription satellite television system (*see*, Mobley, col. 12, lines 12-14) and with elements of Robert's computer network (*see*, Robert, col. 1, line 8). Moreover, even if elements of the unrelated systems of Dravida, Mobley, and Roberts were somehow combined, the resulting combination would fail to teach or suggest the method of Claim 1.

As set forth on pages 12-15 of Applicants' Amendment filed December 12, 2008, Dravida fails to teach or suggest a data service provider as recited in Claim 1 and/or data flow characteristics received from a data service provider as recited in Claim 1. In addition, the current Office Action concedes that:

Dravida et al. do not disclose ... receiving at the data network from the data service provider an identification of the routing gateway, an identification of the data service provider, data flow characteristics of the data service for a session of the routing gateway using the data service provided by the data service provider.

Office Action, page 7. Moreover, Dravida fails to teach or suggest receiving data flow characteristic of a data service for a session of a routing gateway from the data service provider; saving data flow characteristics (received from the data service provider) at the data network; or forwarding data flow characteristics (received from the data service provider) to

the routing gateway.

In an attempt to provide some of these deficiencies of Dravida, the Office Action states that:

Mobley et al disclose a satellite communications system for storing data at a subscriber terminal and responsive to a poll transmitting the store data with the following features ... receiving at the data network from the data service provider an identification of the routing gateway, an identification of the data service provider (Fig. 7B, shows a typical response data packet for either bent pipe or store and forward delivery to a gateway and from the gateway to a subscription delivery, see "the packet includes gateway identifier and service provider identifier" recited in column 15, lines 49-52)....

It would have been obvious ... to modify the system of Dravida et al. by using the features, as taught by Mobley et al., in order to provide receiving at the data network from the data service provider an identification of the routing gateway, an identification of the data service provider. The motivation of using these functions to enhance the system in a cost effective manner. (Underline added.)

Office Action, page 8. The "data packet response to a polling request" shown in Figure 7B of Mobley does not provide the disclosure alleged by the Office Action. As shown in Figures 5A and 5B of Mobley, a "RESPONSE TO POLL" is transmitted by a subscriber terminal 2/102 to a satellite 3/103 and then to a base station 4/104. *See*, Mobley, Figures 5A and 5B, and col. 16, lines 27-28. Accordingly, the data packet response to a polling request shown in Figure 7B of Mobley is received from a subscriber terminal (as opposed to being received from a data service provider), and Mobley's data packet response thus teaches the opposite of receiving identifications (of a routing gateway and a data service provider) from a data service provider. The Applicants thus submit that Mobley fails to provide the disclosure alleged by the Office Action and that Mobley actually teaches away from the recitations of Claim 1.

In addition, the Applicants submit that the selective substitution of Mobley's data packet response to a polling request (transmitted from a subscriber terminal in a direct-to-home satellite television system) into Dravida's coax cable distribution facilities would result in inoperability of Mobley's response to the polling request and/or inoperability of Dravida's coax cable distribution facilities. More particularly, there is no reasonable expectation that either Mobley and/or Dravida would perform according to its intended function if such a selective substitution were made because the "POLLS" and "RESPONSE TO POLL" of

Mobley appear to be specific to needs of its satellite television system using low earth orbiting satellites and because Dravida does not appear to have any such needs. Accordingly, the Applicants submit that it would not be obvious to combine Dravida and Mobley as alleged in the Office Action, and that even if combined, the resulting combination would fail to provide the disclosure alleged by the Office Action.

The Office Action further concedes that the combination of Dravida and Mobley does not disclose:

data flow characteristics of the data service for a session of the routing gateway using the data service provided by the data service provider wherein the data service provider is remote from the data network....

Roberts discloses a communication system for quality of service (QoS) management transmitted over computer system with the following features ... data flow characteristics of the data service for a session of the routing gateway using the data service provided by the data service provider wherein the data service provider is remote from the data network (Fig. 6, illustrates a high level flow diagram for identifying a flow block corresponding to a received data packet, see "the received data packet is formatted to a micro-flow data packet which includes a QoS field 310" recited in column 15 lines 10-30)....

If would have been obvious ... to modify the system of Dravida et al. with Mobley et al. by using the features of Roberts, in order to provide data flow characteristics of the data service for a session of the routing gateway using the data service provided by the data service provider wherein the data service provider is remote from the data network. The motivation of using these functions is to enhance the system in a cost effective manner.

Office Action, pages 9-10.

Cited portions of Roberts state that "if the received data packet already is formatted as a micro-flow data packet, the data packet would include a label field 305 and a QoS field 310." Roberts, col. 15, lines 9-12. Roberts, however, fails to teach or suggest receiving data flow characteristics of a data service for a session from a data service provider remote from the data network. In contrast, Roberts states that a micro-flow classifier 530 (shown in Figure 5 as an element of linecard 410 of switch 220 shown in Figure 4 of network 200 shown in Figure 2) utilizes "extracted layer information to determine 710 QoS descriptor values that are to be associated with the flow block corresponding to the received data packet." Roberts, col. 13, lines 8-12 (underline added). Accordingly, the QoS descriptor values of Roberts are

determined by micro-flow classifier 530 (which is an element of network 200), so that Roberts fails to teach or suggest receiving data flow characteristics of a data service for a session from a data service provider remote from the data network. Assuming for the sake of argument that Roberts does disclose receiving data flow characteristics from a data service provider remote from the data network, Roberts fails to teach or suggest forwarding such data flow characteristics (received from a remote data service provider) to a routing gateway at a customer premises remote from the data network (which teaching is also missing from Dravida and Mobley as discussed above).

For at least the reasons discussed above, the Applicants respectfully submit that the combination of Dravida, Mobley, and Roberts fails to teach or suggest multiple elements of the method of Claim 1. More particularly, none of the cited references (taken alone or in combination) teaches or suggests:

- 1) receiving data flow characteristic of a data service for a session of a routing gateway from the data service provider; or
- 2) saving data flow characteristics (received from the data service provider) at the data network; or
- 3) forwarding data flow characteristics (received from the data service provider) to the routing gateway.


Accordingly, the Applicants submit that Claim 1 is patentable over the cited art. The Applicants further submit that independent Claims 23 and 45 are patentable for reasons similar to those discussed above with respect to Claim 1. In addition, dependent Claims 2-11, 24-33, 48, 50-52, 54, 56, and 58-61 are patentable at least as per the patentability of Claims 1, 23, and 45 from which they depend.

Attorney Docket No. 9400-50  
Application Serial No. 10/722,194  
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Page 7

**CONCLUSION**

Accordingly, the Applicants submit that all pending claims in the present application are in condition for allowance, and a Notice of Allowance is respectfully requested in due course. The Examiner is encouraged to contact the undersigned attorney by telephone should any additional issues need to be addressed.


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**CERTIFICATION OF TRANSMISSION**

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Tracy Wallace